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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,549	04/13/2001	Byung-Chun Shin	64638/JPW/MS	4899

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,549

Applicant(s)

SHIN, BYUNG-CHUN

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5 is/are rejected.
- 7) ☒ Claim(s) 2 and 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1- are rejected under 35 U.S.C. 103(a) as being unpatentable over Almqvist (US 2002/0080987 A1) in view of Derhaag et al. (US 4,875,233, hereinafter "Derhaag").

Regarding claims 1 and 3, Almqvist discloses a headset device (acoustic headset in Figure 1) including a headphone unit provided with a head band (headband 12), a pair of speaker units (loudspeakers 17), a microphone unit (microphone 13; Figure 3), and connection terminals (note cables connected at auditory cups 10, 11), the headset device characterized in that:

said head band has a resilience and a semi-circular shape to be mounted on a head of a user (see Figure 1);

a coupling bar rotatably connected to the speaker unit (connection between headband 12 and auditory cup 11 allows the cup to be rotated; see Figure 1);

said speaker unit has an ear cover case of an oval shape (auditory cups 10 and 11 are provided with cushions 28 which are intended to abut around the ears of the wearer; page 1, paragraph 13); and

a controller has a function for controlling a sound level output to the speaker unit (button set 14 includes buttons 19 and 19' for adjusting the volume in the loudspeakers 17; page 1,

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paragraph 15, first sentence), and a function for controlling a sound level from a microphone (buttons 18 and 18' adjusts the volume of sound from microphone 13; page 2, claim 2).

Almqvist differs from claims 1 and 3 in that it does not teach the head band having slide grooves at both ends or the speaker units connected to a pair of guide arms, each arm having a slide bar inserted into the slide groove of the headband. However, Derhaag teaches the well known use of guide arms (steel guides 22 includes slide bars 67 which are inserted into slide grooves (opening 60), allowing the length of the headband to be adjusted (col. 5, lines 27-29; col. 6, lines 8-31). It would have been obvious to an artisan of ordinary skill to incorporate such use of guide arms and slide grooves, as taught by Derhaag, within the headset device of Almqvist in order to allow the user to easily adjust the length of the headband to accommodate the user's particular head size.

Regarding claim 5, sound from the microphone 13 can be shut off via button 21 (page 1, paragraph 14).

Allowable Subject Matter

3. Claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Flygstad, Hung and Hounq show other headsets which use slide bars and slide

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grooves to adjust headband size. Poon et al. and Bergin et al. show other headsets with rotatable coupling of the earphones.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo
Primary Examiner
Art Unit 2643